
(2013) 04 P&H CK 0037

In the Punjab And Haryana At Chandigarh

Case No : LPA No. 930 of 2012 (O and M)

Sat Pal Dhawan

APPELLANT

Vs

State Bank of Patiala and Others

RESPONDENT

Date of Decision : 01-04-2013

Acts Referred:

Citation : (2013) 4 SCT 421 : (2014) 1 SLJ 331

Hon'ble Judges : A.K. Sikri, C.J.; Rakesh Kumar Jain, J

Bench : Division Bench

Advocate : H.C. Arora, for the Appellant; Vikas Chatrath, for the Respondent

Judgement

Rakesh Kumar Jain, J.—The appellant, a JMGS-1 (Junior Management Grade Scale-I) officer, was discharged from service as Branch Manager, Branch Office, Dhilwan Kalan (Distt. Faridkot) vide order dated 2.6.2000 w.e.f. 28.4.2000 i.e. from the date of his conviction by the Special CBI Court, Patiala under Sections 7, 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988, in which he was sentenced to imprisonment for a period of two years. However, the conviction and sentence was set aside in Criminal Appeal No. 438-SB of 2000 titled as Sat Pal Dhawan v. State allowed vide order dated 15.2.2010. The appellant was placed under suspension on 10.3.1998 due to commission of criminal offence but after his acquittal he superannuated on 31.3.2003.

2. He had prayed in the writ petition for grant of terminal benefits on the basis of last pay drawn at the time of superannuation because he was being paid pension on the basis of his pay drawn at the time when the suspension order was issued in the year 1998.

3. The learned Single Judge allowed the writ petition to the extent of directing the respondent to draw calculations on the basis of last pay drawn as on the date of superannuation and pay arrears calculated with interest @ 6% from the date when it fell due till the date of its payment. However, his prayer for payment of full-wages from the period he remained under suspension was declined following

the dictum of Supreme Court in the case of AIR 1994 552 (SC) , wherein it has been held that if the employee is absent on his own involvement in misconduct and the Bank is not in any way responsible for keeping him away from duties, cannot be saddled with liability to pay him his salary and allowances for that period.

4. The agitation in this appeal is against the aforesaid part of the order of the learned Single Judge, contending that the appellant was perforce kept away from his work on account of suspension from 10.3.1998 when he was convicted and discharge from service. It is further submitted that since the conviction has been set aside, he deserves to be paid the balance salary and allowances on account of the period when he remained under suspension.

5. Counsel for the respondents has relied upon decision of the Supreme Court in the case of Union of India (UOI) and Others Vs. Jaipal Singh, Ranchhodji Chaturji Thakore Vs. Superintendent Engineer, Gujarat Electricity Board, Himmatnagar, (Gujarat) and another, and Baldev Singh Vs. Union of India (UOI) and Others, to contend that the appellant is not entitled to the relief he has prayed for.

6. After hearing learned counsel for the parties and keeping in view the facts and circumstances of this case, we are of the considered opinion that the appellant is not entitled to the salary and allowance for the period he remained under suspension as his suspension was because of the involvement in a case of corruption for which the Bank was not responsible to keep him away from his normal duties. We, thus, do not find any error in the order of the learned Single Judge and accordingly the appeal is hereby dismissed.